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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------------|---------------------|------------------|
| 09/604,712 | 06/27/2000 | Bhalchandra Dattatray Deshpande | 2705-106 | 4923 |

20575 7590 12/16/2004

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1030 SW MORRISON STREET
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EXAMINER

ESCALANTE, OVIDIO

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2645

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|-------------------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/604,712 | DESHPANDE, BHALCHANDRA DATTATRAY | |
| | Examiner | Art Unit | |
| | Ovidio Escalante | 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-14,16-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on October 27, 2004. **Claims 1-5,7-14 and 16-23** are now pending in the present application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 27, 2004 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,2,5,9,10,13,14,16 and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Chan US Patent 5,659,541.

Regarding claim 1, Chan teaches a method of reducing voice frame network inbound traffic congestion, (abstract; col. 2, lines 46-61), the method comprising:

determining whether a first defined threshold level of inbound voice and data traffic is reached (col. 2, line 62-col. 3, line 7), such that the threshold is examined after the arrival of each packet to the single input queue (arrival buffer 20) (col. 2, line 62-col. 3, line 7) and if so then

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discriminating between inbound voice and data traffic within the single input queue, (col. 3, lines 15-25; voice samples are separated from non-voice samples), and

freeing space within a single input queue for use by inbound voice traffic until the first defined threshold level of inbound traffic no longer is reached, (col. 3, lines 8-25).

Regarding claims 2 and 10, Chan, as applied to claims 1 and 9, teaches wherein said freeing space is performed until a second defined threshold level of inbound traffic is reached, the second defined threshold level being less than the first defined threshold level, (col. 2, lines 1-17; col. 3, lines 8-25; space is freed until the queue depth detector determines that the threshold is no longer established/passed).

Regarding claims 5 and 14, Chan, as applied above to claims 1 and 9, teach wherein said freeing space includes selectively discarding inbound data packets, (col. 3, lines 8-25).

Regarding claim 9, Chan teaches an apparatus for use with an input queue representing inbound voice and data traffic on a voice frame network, (abstract; col. 2, lines 46-61), the apparatus comprising:

decision logic determining whether a first defined threshold level of inbound voice and data traffic represented in the input queue is reached upon the reception of each packet of the traffic, (col. 2, line 62-col. 3, line 25) and

queue management logic responsive to an affirmative determination from said decision logic, (col. 3, lines 15-25), said queue management logic discriminating between inbound voice and data traffic within the input queue (col. 3, lines 15-25; voice samples are separated from non-voice samples) and freeing space within the input queue for use by inbound voice traffic until the

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first defined threshold level of inbound voice and data traffic no longer is reached, (col. 3, lines 8-25).

Regarding claim 13, Chan teaches wherein said decision logic includes an analyzer of the rate at which packets of inbound voice and data traffic arrive in the input queue and comparing the same to predefined arrival rate criteria, (col. 3, lines 8-25).

Regarding claim 16, Chan teaches a computer-readable medium containing a program for reducing voice frame network inbound traffic congestion, (abstract; col. 2, lines 46-61), the program comprising:

instructions for determining whether a first defined threshold level of inbound voice and data traffic is reached in a single input queue upon the arrival of each packet of traffic and if so then signaling such determination, (col. 2, line 62-col. 3, line 7), and

instructions responsive to the signaling for discriminating between inbound voice and data traffic within a single input queue (col. 3, lines 15-25; voice samples are separated from non-voice samples) and for discarding data thereby to free space within the input queue for use by inbound voice traffic until the first defined threshold level of inbound traffic no longer is reached, (col. 3, lines 8-25).

Regarding claim 17, Chan, as applied to claim 16, teaches wherein the discarding of data is performed until a second defined threshold level of inbound traffic is reached, the second defined threshold level being less than the first defined threshold level, (col. 3, lines 8-25).

5. Claims 3,4,12 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Bennett.

Regarding claim 21, Chan teaches an apparatus for reducing voice frame network inbound traffic congestion, (abstract; col. 2, lines 46-64), the apparatus comprising:

means for determining whether a first defined threshold level of inbound voice and data traffic is reached in a single input queue upon arrival of each packet and if so then signaling such determination, (col. 2, line 62-col. 3, line 7), and

means responsive to the signaling for discriminating between inbound voice and data traffic within the single input queue (col. 3, lines 15-25; voice samples are separated from non-voice samples) and for discarding data thereby to free space within the input queue for use by inbound voice traffic until the first defined threshold level of inbound traffic no longer is reached, (col. 3, lines 8-25), wherein the discarding of data is performed until a second defined threshold level of inbound traffic is reached, the second defined threshold level being less than the first defined threshold level, (col. 2, lines 1-17; col. 3, lines 8-25).

Chan does not specifically teach said discriminating means including means for first analyzing the size of each packet of inbound voice and data traffic within the input queue.

In the same field of endeavor, Bennett teaches of a method for reducing traffic in a network by discarding data packets, (paragraph 10, lines 8-15). Bennett further teaches of discriminating between high priority traffic and lower priority traffic (data) within an input queue, (paragraph 10, lines 8-15 and paragraph 13). Bennett further teaches said discriminating means including means for first analyzing the size of each packet of inbound voice and data traffic within the input queue (paragraph 14) and means for first comparing the same to predefined packet size criteria (paragraphs 13 and 14) and wherein the discarding of data is performed until a second defined threshold level of inbound traffic is reached, the second defined

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threshold level being less than the first defined threshold level, (paragraph 10, lines 8-15 and paragraphs 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chan by analyzing the size of each packet of inbound voice and data traffic within the input queue and comparing the same to predefined packet size criteria as taught by Bennett so that the system can organize packets and assign priority levels of the packets based on the size and importance.

Regarding claims 3, 12 and 19, Chan, as applied above to claims 1, 9 and 16, do not teach of first analyzing the size of each packet of inbound voice and data traffic.

In the same field of endeavor Bennett, as applied above, teaches wherein said discriminating includes first analyzing the size of each packet of inbound voice and data traffic within the input queue and comparing the same to predefined packet size criteria, (paragraph 10 and paragraph 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chan by analyzing the size of each packet as taught by Bennett so that the system can organize packets and assign priority levels of the packets based on the size and importance.

Regarding claims 4, 20 and 22, Chan teaches wherein said discriminating further includes second analyzing the rate at which packets of inbound voice and data traffic arrive in the input queue and comparing the same to predefined arrival rate criteria, (col. 3, lines 8-25).

6. Claims 7,8,11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Farris US Patent 6,064,653.

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Regarding claims 7,8,11 and 18 Chan, as applied to claims 1 and 10 teach wherein said freeing space is performed until a second defined threshold level of inbound traffic is reached, (col. 33, lines 20-38) and the second defined threshold level being less than the first defined threshold level, (col. 33, lines 20-38).

Chan does not teach providing a user interface that permits a user to define the first and second defined threshold levels.

Farris teaches that it was well known in the art to provide a user interface that permits a user to define a first and second defined threshold levels for determining traffic congestion, (col. 10, lines 12-32; col. 14, lines 13-26,34-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chan by providing a user interface so that the user can define their quality of service that they want to receive for using the voice data network.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Bennett and further in view of Farris US Patent 6,064,653.

Regarding claim 23, Chan and Bennett, as applied to claim 22 teach wherein said freeing space is performed until a second defined threshold level of inbound traffic is reached, (col. 33, lines 20-38) and the second defined threshold level being less than the first defined threshold level, (col. 33, lines 20-38).

Chan and Bennett do not teach providing a user interface that permits a user to define the first and second defined threshold levels.

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Farris teaches that it was well known in the art to provide a user interface that permits a user to define a first and second defined threshold levels for determining traffic congestion, (col. 10, lines 12-32; col. 14, lines 13-26,34-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chan and Bennett by providing a user interface so that the user can define their quality of service that they want to receive for using the voice data network.

Response to Arguments

8. Applicant's arguments with respect to claims 1-5,7-14 and 16-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

220 20th Street S.
Crystal Plaza two, Lobby, Room 1B03
Arlington, VA 22202

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE
PATENT EXAMINER**



Ovidio Escalante
Examiner
Group 2645
December 3, 2004

O.E./oe